

Message Text

CONFIDENTIAL

PAGE 01 OSLO 01607 01 OF 02 200848Z

11

ACTION EUR-25

INFO OCT-01 EA-11 ISO-00 IO-14 CIAE-00 DODE-00 PM-07 H-03

INR-10 L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03

SS-20 USIA-15 EB-11 ACDA-19 SAJ-01 OMB-01 NIC-01

DOT-00 COME-00 DRC-01 DLOS-07 COA-02 FAA-00 SCI-06

CG-00 AEC-11 FEA-02 CEQ-02 NEA-10 (ISO) W

----- 066514

R 191436Z APR 74

FM AMEMBASSY OSLO

TO SECSTATE WASHDC 8109

INFO AMEMBASSY COPENHAGEN

AMEMBASSY HELSINKI

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY REYKJAVIK

AMEMBASSY STOCKHOLM

AMEMBASSY TOKYO

USMISSION NATO

C O N F I D E N T I A L SECTION 1 OF 2 OSLO 1607

EO 11652: GDS

TAGS: PFOR PBOR ENRG SV NO UR

SUBJECT: CONTINENTAL SHELF OFF SVALBARD: TIME FOR DECISION,
PART II

REF: OSLO 1606

1. IN PART I, WE POINTED OUT HOW U.S. INTERESTS
MIGHT BE ADVERSELY AFFECTED BY THE SOVIET-NORWEGIAN
BARENTS SEA BOUNDARY DELIMITATION TALKS NEXT FALL,
OR OTHER RELATED NEGOTIATIONS. IN THIS MESSAGE,
WE EXAMINE THE IMPLICATIONS OF VARIOUS POSITIONS
WHICH THE U.S. MIGHT TAKE ON THE QUESTION OF
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 OSLO 01607 01 OF 02 200848Z

THE RIGHT OF SIGNATORY POWERS TO THE 1920 PARIS TREATY

TO DRILL FOR OIL ON THE CONTINENTAL SHELF OFF SVALBARD, AND POSSIBLE COURSES OF ACTION SUGGESTED BY THESE DIFFERENT OPTIONS. THE POLICY THE U.S. FINALLY SELECTS WILL DEPEND, OF COURSE, ON A VARIETY OF IMMEDIATE AND MORE FAR-REACHING CONSIDERATIONS WHICH THE EMBASSY IS IN NO POSITION TO EVALUATE: FOR EXAMPLE, OUR LEGAL INTERPRETATION OF THE 1920 TREATY, POSSIBLE IMPLICATIONS FOR OUR LAW OF THE SEA POLICY, THE EXTENT OF OUR INTEREST IN DRILLING FOR OIL OFF NORWAY, OUR STRATEGIC INTEREST IN SVALBARD AND THE BARENTS SEA AREA, EVEN THE RELATIONSHIP OF THIS ISSUE TO DELIMITATION OF OUR OWN CONTINENTAL SHELF WITH THE USSR IN THE BERING SEA.

2. THE U.S. WOULD SEEM TO HAVE THREE OPTIONS: (A) CONTEND THAT SVALBARD AND BEAR ISLAND HAVE CONTINENTAL SHELVES AND THAT OUR MINERAL RIGHTS UNDER THE 1920 TREATY EXTEND TO THESE SHELVES; (B) ACCEPT THE NORWEGIAN POSITION THAT WE CAN ONLY EXPLOIT THE SHELF OFF SVALBARD AND BEAR ISLAND UP TO THE TERRITORIAL WATER LIMIT (4 OR EVENTUALLY 12 NAUTICAL MILES); (C) CONTEND THAT OUR MINERAL RIGHTS UNDER THE 1920 TREATY EXTEND TO THE SHELF AREA BUT ONLY WITHIN THE TREATY COORDINATES. THE ADVANTAGES AND DRAWBACKS OF EACH OPTION ARE DISCUSSED BELOW.

A. TO ARGUE THAT WE HAVE A RIGHT TO MINE ON THE CONTINENTAL SHELF OFF SVALBARD HAS THE MAJOR ADVANTAGE OF PROVIDING THE U.S. (BUT ALSO THE USSR) WITH THE WIDEST POSSIBLE AREA OF OPERATIONS IN THE BARENTS SEA. THIS INTERPRETATION OF THE TREATY POTENTIALLY OFFERS AN ATTRACTIVE FIELD OF OPERATION FOR COMPANIES WHICH ARE HIGHLY FRUSTRATED BY THE LIMITATIONS PRESENTLY PLACED ON THEIR ACTIVITY ON THE NORWEGIAN SHELF. AND, IF THE SOVIETS AGREE WITH OUR POSITION, IT WOULD BE CONSISTENT WITH OUR EFFORT TO WIDEN AREAS OF COOPERATION WITH THE USSR. BUT IF WE TAKE THIS POSITION, WE SHOULD ALSO LOGICALLY CLAIM A VOICE IN THE NORWEGIAN/SOVIET BOUNDARY NEGOTIATIONS ON THE GROUNDS THAT WE HAVE 1920 MINERAL RIGHTS AT STAKE AND THE LOCATION OF THE BOUNDARY

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 OSLO 01607 01 OF 02 200848Z

HAS A MAJOR BEARING ON THE EXTENT OF THOSE RIGHTS. NEITHER THE USSR NOR NORWAY COULD BE EXPECTED TO APPRECIATE OUR INTERVENTION (EVEN THOUGH WE MIGHT POINT OUT TO NORWAY WE HAVE A COMMON INTEREST IN FIXING THE BOUNDARY AS FAR TO THE EAST AS POSSIBLE). AND IF THE SOVIETS AGREED WITH OUR INTERPRETATION OF THE 1920 TREATY, NATIONALIST, NEUTRALIST CIRCLES IN NORWAY MIGHT WELL ARGUE THAT NORWAY WAS THE

VICTIM OF A SUPER POWER SELL-OUT, DEMONSTRATING THE REAL WORTH OF THE U.S. RELATIONSHIP. WHILE THE BARENTS SEA BOUNDARY BETWEEN SVALBARD AND THE USSR WILL BE THE FOCUS OF OUR APPROACH, NORWAY WILL BE EVEN MORE SENSITIVE ABOUT THE IMPLICATIONS OF OPTION A FOR THE BOUNDARY BETWEEN BEAR ISLAND AND NORWAY. UNDER OPTION A THIS BOUNDARY WILL HAVE TO BE DELINEATED TO ESTABLISH THE SOUTHERN LIMIT OF THE MINERAL RIGHTS OF CONTRACTING PARTIES UNDER THE 1920 TREATY.

B. ACCEPTING THE NORWEGIAN POSITION--IS THE LEAST CONTENTIOUS OPTION. IT WOULD (I) AVOID FRICTION WITH OUR NORWEGIAN ALLIES AND POSSIBLY THE USSR IF IT SIDES WITH NORWAY, AND (II) MINIMIZE ANY POSSIBLE SECURITY THREAT FROM SOVIET OIL RIGS IN THE WATERS OFF SVALBARD AND BEAR ISLAND. BUT WE WOULD ALSO BE FOREGOING AT LEAST THE RIGHT TO OPERATE OURSELVES ON THE SHELF, WITH THE VARIOUS BENEFITS THIS WOULD IMPLY.

C. CONTENDING THAT OUR MINERAL RIGHTS UNDER THE 1920 TREATY EXTEND TO THE SHELF AREA WITHIN THE TREATY COORDINATES--IS IN MANY WAYS A MIDDLE OF THE ROAD OPTION. IT HAS MOST OF THE SAME DRAWBACKS AS OPTION A; ON THE OTHER HAND IT MAY BE MORE DEFENSIBLE LEGALLY AND LESS CONTROVERSIAL. IT WOULD DENY US THE ADVANTAGES AND PROBLEMS OF CLAIMING A VOICE IN THE NORWAY/USSR BARENTS SEA TALKS SINCE THE AREA WITHIN THE COORDINATES IN THE 1920 TREATY APPEARS TO BE WEST OF ANY AREA THE SOVIETS COULD CLAIM IN THE TALKS.

3. THERE ARE STEPS WHICH WE COULD TAKE TO STRENGTHEN OUR BARGAINING LEVERAGE AND TO REDUCE FRICTION UNDER EACH OF THE OPTIONS DISCUSSED ABOVE:
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 OSLO 01607 01 OF 02 200848Z

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 OSLO 01607 02 OF 02 200902Z

11
ACTION EUR-25

INFO OCT-01 EA-11 ISO-00 IO-14 CIAE-00 DODE-00 PM-07 H-03

INR-10 L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03

SS-20 USIA-15 EB-11 ACDA-19 SAJ-01 OMB-01 NIC-01

DOT-00 COME-00 DRC-01 DLOS-06 COA-02 FAA-00 SCI-06

CG-00 AEC-11 FEA-02 CEQ-02 NEA-10 /198 W

----- 000076

R 191436Z APR 74

FM AMEMBASSY OSLO

TO SECSTATE WASHDC 8110

INFO AMEMBASSY COPENHAGEN

AMEMBASSY HELSINKI

AMEMBASSY LONDON

AMEMBASSY STOCKHOLM

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY REYKJAVIK

AMEMBASSY TOKYO

USMISSION NATO

C O N F I D E N T I A L SECTION 2 OF 2 OSLO 1607

OPTION A: BEFORE ANNOUNCING OUR POSITION, WE
COULD MAKE DISCREET DIPLOMATIC SOUNDINGS TO DETERMINE
WHETHER OTHER IMPORTANT SIGNATORY POWERS (E.G. UK,
JAPAN, FRANCE) AGREE THAT WE HAVE THE RIGHT OF MINERAL
EXPLOITATION ON THE CONTINENTAL SHELF. WE COULD
PRESENT OUR INTERPRETATION AS PRELIMINARY, GIVING
OURSELVES SOME FLEXIBILITY FOR REVISING OUR POSITION
IF WE FIND WE ARE ISOLATED. IF OTHER COUNTRIES
SUPPORT OUR INTERPRETATION, WE COULD ENCOURAGE THEM
TO JOIN US IN MAKING SEPARATE DEMARCHES TO NORWAY
AND THE USSR, PRIOR TO THE OPENING OF THE BARENTS
SEA BOUNDARY TALKS NEXT FALL. AN ORAL OR WRITTEN
DEMARCHÉ COULD COMBINE AN EXPRESSION OF CONCERN
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 OSLO 01607 02 OF 02 200902Z

AND REQUEST FOR CONSULTATIONS WITH THE OTHER
SIGNATORY POWERS, WITH A STATEMENT SUPPORTING A
BOUNDARY DELIMITATION BASED ON OBSERVANCE WITHOUT
DEROGATION OF THE MEDIAN LINE PRINCIPLE (WHICH WOULD
PLEASE NORWAY).

OPTION B: IF THE DEPARTMENT DECIDES TO SUPPORT
THE NORWEGIAN POSITION, WE MIGHT STILL TRY TO WORK
OUT A PRIOR UNDERSTANDING THAT NORWAY WILL APPROVE

AN AGREED NUMBER OF REQUESTS BY AMERICAN FIRMS TO EXPLORE FOR OIL OUTSIDE SVALBARD'S TERRITORIAL WATERS (E.G. WITHIN THE TREATY COORDINATES AREA) AND TO DRILL IF THEY FIND ANYTHING PROMISING.

OPTION C: IF WE SUPPORT A MORE LIMITED INTERPRETATION THAT WE HAVE THE RIGHT TO MINE WITHIN THE TREATY COORDINATE AREA, BUT NOT ON THE CONTINENTAL SHELF AS A WHOLE, IT WOULD NOT BE APPROPRIATE IN ANY DEMARCHE TO REFER TO THE BOUNDARY LIMITATION TALKS. RATHER, WE SHOULD BASE OUR CONCERN ON UNNAMED EFFORTS TO EXCLUDE "FOREIGN" INFLUENCE FROM OIL OPERATIONS IN THE BARENTS SEA, AND CITE OUR INTERPRETATION OF OUR RIGHTS UNDER THE 1920 TREATY.

OPTIONS A, B, AND C: WE MAY WISH TO TRY AND REASSURE NORWAY THAT OIL DRILLING (UNDER ANY OF THE OPTIONS) NEED NOT SEEM "PROVOCATIVE" TO THE USSR. SEVERAL APPROACHES COULD BE IMAGINED: (I) WE MIGHT PROPOSE TO DISCUSS THE CONDITIONS OF OIL EXPLORATION TRILATERALLY WITH THE USSR AND NORWAY; THIS WOULD EXTEND DETENTE POLITICS TO THE NORTH--A LONG-STANDING NORWEGIAN OBJECTIVE. (II) THE NEGOTIATIONS OF AN AGREEMENT BETWEEN THE USSR, NORWAY, AND ANY OTHER CONTRACTING PARTIES WHICH WISH TO DRILL FOR OIL IN THE BARENTS SEA/SVALBARD AREA, FORBIDDING THE USE OF OIL EXPLORATION AND DRILLING OPERATIONS FOR SURVEILLANCE OR OTHER MILITARY PURPOSES, MIGHT HAVE SOME COSMETIC REASSURANCE VALUE FOR BOTH NORWAY AND THE USSR. WHILE ARTICLE 9 OF THE 1920 TREATY BANS MILITARY ACTIVITIES IN THE "TERRITORIES" DEFINED IN THE TREATY, IT DOES NOT SPECIFICALLY EXCLUDE MILITARY

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 OSLO 01607 02 OF 02 200902Z

ACTIVITIES IN THE WATER AREAS WITHIN THE TREATY COORDINATES. ANY AGREEMENT WOULD NEED TO BE CAREFULLY CIRCUMSCRIBED, HOWEVER, SO AS NOT TO HAMPER OTHER FORMS OF SURVEILLANCE OF SOVIET SHIP MOVEMENTS.

4. WHATEVER OPTION AND COURSE OF ACTION WE SELECT, WE MUST BE SURE THAT:

--THE NORWEGIANS ARE INFORMED OF OUR POSITION IN TIME TO FACTOR IT INTO THEIR PLANNING FOR THE TALKS NEXT FALL WITH THE USSR ON DIVISION OF THE CONTINENTAL SHELF. THE NORWEGIANS HAVE ASKED INFORMALLY FOR OUR REACTION AND, ON BALANCE, IT WOULD SEEM WISER FROM THE STANDPOINT OF OUR LONG-TERM RELATIONS THAT WE LEVEL WITH THEM, RATHER THAN STALLING TO SEE WHICH WAY THE USSR IS PREPARED TO MOVE. THIS WOULD BE PARTICULARLY

TRUE OF WE ADOPT OPTION B AND SIDE WITH NORWAY.

--IF WE HAVE SPECIFIC OBJECTIVES TO DISCUSS, WE
SHOULD MOVE QUICKLY TO ENSURE MAXIMUM BARGAINING
POWER BEFORE THE NORWEGIANS AND THE SOVIETS BEGIN TO
HAGGLE AND THE SOVIETS CONCEIVABLY EXTRACT CONCESSIONS
FROM NORWAY WHICH ADVERSELY AFFECT OUR INTERESTS.

--FINALLY, OUR GENERAL APPROACH AND SPECIFIC
PROPOSALS SHOULD ENCOURAGE THE NORWEGIANS TO BELIEVE
WE ARE SENSITIVE TO THEIR DESIRE TO WORK OUT A TENSION-
FREE MODUS VIVENDI WITH THE USSR IN THE NORTH--AND
THAT WE INDEED SHARE THIS CONCERN SO LONG AS
NORWAY PROTECTS ITS SOVEREIGNTY FROM SOVIET ENCROACH-
MENT AND RESPECTS U.S. INTERESTS.

5. ACTION REQUESTED: THE DEPARTMENT'S COMMENTS AND
GUIDANCE ARE REQUESTED ON THE OPTIONS AND FOLLOW-UP
ACTION SUGGESTED ABOVE BY THE EMBASSY.

BYRNE

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, TERRITORIAL SEA LIMIT, FOREIGN RELATIONS, CONTINENTAL SHELF, TELEVISION, NEGOTIATIONS, FOREIGN POLICY POSITION, ADJACENT SEAS, MINISTERIAL VISITS, MEETINGS, BOUNDARIES
Control Number: n/a
Copy: SINGLE
Draft Date: 19 APR 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: boyleja
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974OSLO01607
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740098-0479, D740092-1077
From: OSLO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740429/aaaaazsi.tel
Line Count: 297
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: OSLO 1606
Review Action: RELEASED, APPROVED
Review Authority: boyleja
Review Comment: n/a
Review Content Flags:
Review Date: 22 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <22 APR 2002 by boyleja>; APPROVED <24-Sep-2002 by boyleja>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CONTINENTAL SHELF OFF SVALBARD: TIME FOR DECISION, PART II
TAGS: PFOR, PBOR, ENRG, SV, NO, UR, (BRATTELI)
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005